



State of New Hampshire

PUBLIC EMPLOYEE LABOR RELATIONS BOARD

AMERICAN FEDERATION OF STATE, COUNTY
& MUNICIPAL EMPLOYEES, COUNCIL 93,
LOCAL 2715

v.

HILLSBOROUGH COUNTY

CASE NO. A-0428:17

DECISION NO. 87-25

APPEARANCES

Representing American Federation of State, County & Municipal Employees
Council 93, Local 2715

James C. Anderson, Representative

Representing Hillsborough County

David Horan, Esq.

Also in attendance

Richard W. Roulx, Admn. Hillsborough County
Nelson MacAskill, Admn., Hillsborough County

BACKGROUND

The American Federation of State, County and Municipal Employees Council 93, Local 2715 ("Union") filed a complaint of improper practices against Hillsborough County ("County") and its agent Richard Roulx on December 9, 1986. The Union claimed that the County had committed unfair labor practices under RSA 273-A:5, I, (e) and (c).

Specifically, the Union alleges that on or about September 4, 1986, the County offered to pay employees at the Corrections Division on a weekly basis, if they would agree on the same wage settlement as the Nursing Home settlement. The Union accepted the offer on September 30, 1986 and the County subsequently computed wages and paid them retroactively. The Union alleges that the County wrongly computed the wages and did not follow the tentative agreement. No collective bargaining agreement has been signed.

No answer to this charge was filed with the Public Employee Labor Relations Board. A hearing on these charges was held at the Public Employee

Labor Relations Board office in Concord, New Hampshire on January 29, 1987 with all parties represented.

FINDING OF FACT

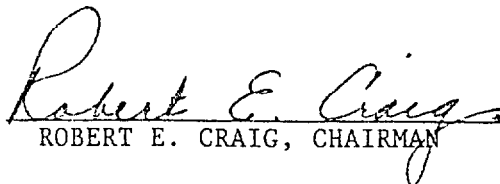
1. Union leaders agreed to accept the same wage increases as the County Nursing home for the Department of Corrections unit, with weekly pay.
2. Union leaders understood that they had agreed to a five percent (5%) wage increase for all and five (5) percent additional for those with five (5) or more years longevity and that under a three-year contract, they would be paid weekly.
3. In their computations of the new wage rates (Union #8), the Union disagrees with the County's calculations (Union #6) by a few cents/more or less in almost all the steps in the schedule and these hourly differences can accumulate perhaps, to over 100 dollars per year.
4. The Union and the County disagree over how to compute their agreed upon percentage increases--whether to go back to 1985 and recompute everything ("purified") or to simply increase over 1986. (Nursing Home employees asked for and received "purification").

RULINGS OF LAW

The County and the Union have simply failed to come to a meeting of the minds on how to compute the wage raises they have agreed upon. Both sides are reasonable in their interpretation of how to compute such increases. We know of no objective standard to apply nor does the act require any particular agreement.

DECISION AND ORDER

- (a) We do not find that the County's action constitutes an unfair labor practice;
- (b) We order the parties to negotiate their differences;
- (c) The complaint is dismissed.


ROBERT E. CRAIG, CHAIRMAN

Signed this 23rd day of March, 1987

By unanimous vote. Chairman Robert E. Craig, presiding. Members Seymour Osman, Richard Molan present and voting. Also present, Evelyn C. LeBrun, Executive director.